IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 29668 of 2003(F)

PETITIONER:

MEENAKSHY AMMAL, W/O.SUBBAYYAN PILLAI,
EARATHUPARAMBIL HOUSE, AMBALAPURAM POST,
PERINGANDOOR, THRISSUR DISTRICT.

BY ADV. SRI.S.KRISHNA PRASAD (AYALUR)
SMT.MINI.V.A.

RESPONDENTS:

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1. STATE OF KERALA REP. BY THE SECRETARY,
PUBLIC WORKS DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER, PUBLIC WORKS
DEPARTMENT, THIRUVANANTHAPURAM.

3. THE ASSISTANT EXECUTIVE ENGINEER,
MIOR IRRIGATION SUB DIVISION,
WADAKKANCHERY THRISSUR DISTRICT.

4. TAHSILDAR, TALAPPILLY ,
WADAKKANCHERY, THRISSUR DT.

5. VILLAGE OFFICER, PERINGANDOOOR,
THALAPPILLY TALUK, THRISSUR DISTRICT.

6. SRI.CHITHAMBARAM,
S/O.MARIYAPPAN CHETTIAR, POOLAKUNNATH HOUSE,
KULAPPULLY DESOM, SHORNUR, PALAKKAD DISTRICT.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 DEATH CERTIFICATE DT 29.4.02 OF SMT.LALITHAKUMARI.

P2 APPLICATION DT 8.5.02 FOR ISSUANCE OF THE LEGAL HEIR CERTIFICATE.

P3 GAZETTE NOTIFICATION DT 17.12.02.

P4 LEGAL HEIR CERTIFICATE DT 3.2.03.

P5 AFFIDAVIT DT 27.7.03 SWORN BY R6.

TRUE COPY

P.A. TO JUDGE

S. SIRI JAGAN, J.

W.P. (C). No. 29668 OF 2003 F

Dated this the 27th day of July, 2007

J U D G M E N T

The petitioner is the daughter of late Lalithakumari, who was a Government servant. For receiving the terminal benefits of the said Lalithakumari, the petitioner applied for legal heirship certificate before the 4th respondent, who issued Ext.P4 legal heirship certificate in which one Chithambaram is also included in the list of heirs therein as the husband of late Lalithakumari. The petitioner's contention is that the said Lalithakumari was not married to the said Chithambaram. The petitioner has also produced a notarized affidavit of the said Chithambaram as Ext.P5 in this writ petition in which he has solemnly affirmed that he is not the husband of the said Lalithakumari and that he is married to one Devaki in which marriage he has two children. In the above circumstances, I am satisfied that the petitioner is entitled to the relief prayed for. Therefore, I quash Ext.P4 and direct the 4th respondent to issue a fresh legal heirship certificate excluding the name of

Chithambaram, with the names of the father and mother of the late Lalithakumari namely, Subbayyan Pillai and Meenakshy only therein. This shall be done within two weeks from the date of receipt of a copy of this judgment.

The writ petition is allowed as above.

(S. SIRI JAGAN, JUDGE)

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S. SIRI JAGAN, J.

I.A. No. 9900 OF 2007
in
W.P. (C). No. 29668 OF 2003

Dated this the 27th day of July, 2007

O R D E R

This is an application to declare service of notice on the 6th respondent. The petitioner has produced an affidavit sworn to by the 6th respondent before a notary. The address therein is the same as what is stated in the writ petition. Notice has been issued to the same address. Acknowledgment card has not been received nor is the cover returned by the postal authorities. More than one month has elapsed since notice has been sent. Therefore, conditions for declaring service of notice on the 6th respondent is satisfied. Hence, the service of notice on the 6th respondent is declared to have been complete.

(S. SIRI JAGAN, JUDGE)

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